

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JIMMY OTERO GONZALES,

Plaintiff,

v.

FARLEY, et al.,

Defendants.

CASE NO. 1:98-cv-06322-REC-SMS PC

ORDER DENYING PLAINTIFF'S MOTION
FOR RELIEF FROM PAYING THE FILING
FEE FOR THIS ACTION

(Doc. 35)

Plaintiff Jimmy Otero Gonzales ("plaintiff") is a state prisoner who was proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On March 12, 1999, plaintiff was granted leave to proceed in forma pauperis in this action. On May 9, 2007, plaintiff filed a motion seeking relief from paying the filing fee. Deductions totaling \$21.60 were made from plaintiff's trust account in February and April of 2007. Plaintiff argues that he never consented to the deduction of funds from his trust account, and that he sought leave to proceed in forma pauperis because he cannot afford to pay the filing fee.

Plaintiff's motion is without merit. The in forma pauperis statute allows prisoners to proceed without *prepayment* of the filing fee. 28 U.S.C. § 1915(b)(1). Prisoners are still required to pay the filing fee in full, in forma pauperis status notwithstanding, and if plaintiff has funds available in his trust account, deductions will be made in accordance with the court's order of March 12, 1999, until the \$150.00 filing fee is paid in full. *Id.*

Plaintiff was served with the court orders notifying him of the above on March 12, 1999. (Court Docs. 18, 19.)

1 Based on the foregoing, plaintiff's motion is HEREBY DENIED.

2
3 IT IS SO ORDERED.

4 **Dated: May 11, 2007**

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE